

## **Remarks**

Claims 1-12 and 14-19 are pending in the application. Claims 8-12 and 14-19 were allowed, claims 1, 2, and 5-7 were rejected. By this Amendment, claim 1 has been amended. Reconsideration of the claims is respectfully requested. No new matter has been added.

### **Rejection Under 35 U.S.C. § 102**

Claims 1 and 2 were rejected under § 102(b) as being anticipated by United States Patent No. 276,821 to Hull (hereinafter "Hull '821"). Claim 1 has been amended to recite a first rail disposed horizontally along a top surface of the first side panel and a second rail disposed horizontally along a top surface of the second side panel. The Examiner indicated on November 17, 2003 that this amendment overcomes the rejection. More specifically, Hull '821 does not disclose first and second rails disposed horizontally along the top of first and second side panels. Instead, Hull '821 discloses "recessed attachments L' ... adapted to set over the edges of the vertical sides of the wagon-body" (column 1, line 50 through column 2, line 54). Since Hull '821 does not recite a rail disposed horizontally along the top of a side panel, Applicants believe that this rejection is overcome.

Since claim 2 depends on claim 1, claim 2 is believed to be allowable for the reasons discussed above. Moreover, Applicants respectfully disagree with the Examiner that element R in Hull '821 is an end cap member disposed within the first rail that selectively couples the first side panel to the front panel. Instead, element R is a bolt disposed along the inside of a side panel (see Figure 1) that passes through a slot S in a metallic segmental plate P. The metallic segmental plate P is not connected to a front panel. Instead, the metallic segmental plate P is connected to a tail board K' and permits the tail board to be dropped at an angle (column 2, lines 62-70). As such, bolt R is not disposed within a rail member nor does it couple a front panel and a side panel as required by claim 2 of the present invention. Consequently, Applicants request that the rejection of claim 2 be withdrawn.

**Rejection Under 35 U.S.C. § 103(a)**

Claims 5-7 were rejected under § 103(a) as being unpatentable over Hull '821 in view of U.S. Patent No. 3,842,755 to Carr (hereinafter "Carr '755"). Claims 5-7 depend on claim 2. As a result, the rejection of claims 5-7 is believed to be moot due to the amendment to claim 1 and the arguments pertaining to claim 2 discussed above.

With regard to claim 7, the Examiner stated with respect to Hull '821 that "each of the first and second side panels are thought to be corrugated." However, there is no teaching of corrugated side panels in Hull '821. Instead, Hull '821 discloses a series of parallel boards (column 1, lines 28-29). Moreover, planar panels are depicted in all figures in Hull '821. Consequently, it is respectfully believed that a *prima facie* case of obviousness has not been established. Applicants respectfully request that this rejection be withdrawn.

**Conclusion**

Applicants have made a genuine effort to respond to the Examiner's objections and rejections in advancing the prosecution of this case. Applicants believe all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

**PETER MISKECH et al.**

By

  
Matthew M. Mietzel

Reg. No. 46,929

Attorney/Agent for Applicant

Date: November 18, 2003

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351